(a) preparing a solid phase on which a conjugate of a poly(C_2-C_3)-alkylene oxide and an analyte-specific solid phase reactant has been applied such that the conjugate is immobilized,

(b) incubating the sample with the solid phase and a test reagent and

(c) detecting the presence or/and the amount of the analyte in the sample.

REMARKS

Claim 14 is pending in this application. By this Amendment, claims 15-21 and 52-59 are canceled and claim 14 is amended. No new matter is contained in the amendments.

The Office Action rejects claims 14-21 and 52-59 under 35 U.S.C. 112, first and second paragraphs. Applicants believe that these rejections are overcome with the above amendments. Applicants additionally note that test reagents that can be used in the claimed invention for detecting the presence or/and the amount of the analyte in the sample are known to those of ordinary skill in the art.

The Office Action rejects claims 14-21 and 52-59 under 35 U.S.C. 102(b) or (e) as being anticipated by, or alternatively, under 35 U.S.C. 103(a) as being obvious over Sluka et al., Herron et al. '196, Herron et al. '492 or Reichert et al.

In order to expedite prosecution of this application, claim 14 has been amended to further define that a poly(C_2-C_3)alkylene oxide-modified analyte-specific solid phase reactant is used.

None of Sluka, Herron '196 and Reichert teach or suggest the use of derivatized analyte-specific reactants. Thus, it is respectfully submitted that, with the amendment to

define the utilization of a poly(C_2-C_3)alkylene oxide-modified analyte-specific solid phase reactant, the rejections over these three references is overcome.

Additionally, item (a) of claim 14 has been amended to further clarify that, in the presently claimed invention, a conjugate of analyte-specific solid phase reactant and poly(C_2-C_3)alkylene oxide is applied to a solid phase (as opposed to a solid phase reactant and poly(C_2-C_3)alkylene oxide applied one after the other to the solid phase). With this clarification, the rejection over Herron '492, which clearly teaches the precoating of a solid phase using polyethylene glycol and subsequently application of an analyte-specific reactant, is overcome.

With the Herron '492 method, only unspecific binding to the original solid phase is suppressed. In contrast, in the method according to present claim 14, suppression of the unspecific binding to the analyte-specific solid phase reactant is achieved. As demonstrated in examples 13 and 14 of the present specification, this type of modification of the analyte-specific solid phase reactant shows clear and positive effects in those experiments (cf. accompanying tables). In other words, the unspecific binding caused by the analyte-specific solid phase reactant is reduced by utilizing the method according to claim 14, whereas Herron and the other applied references are directed to the unspecific binding to the solid phase per se.

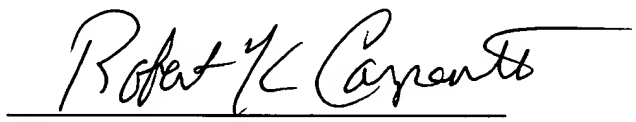
For at least the above reasons, reconsideration and withdrawal of the rejections of claims 14-21 and 52-59 under 35 U.S.C. 102(b) or (e) as being anticipated by, or alternatively, under 35 U.S.C. 103(a) are respectively requested.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is

desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300.

Respectfully submitted,



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Attachment: Claim 14 Marked-Up To Show Changes

Claim 14 Marked-Up to Show Changes

14. (Amended) Method for the detection of an analyte in a sample, comprising the steps:

(a) preparing a solid phase on which a conjugate of a poly(C_2-C_3)-alkylene oxide and an analyte-specific solid phase reactant has been applied such that the conjugate is immobilized [using a modified solid phase reactant which is coupled to a poly(C_2-C_3)-alkylene oxide],

(b) incubating the sample with the solid phase and a test reagent and

(c) detecting the presence or/and the amount of the analyte in the sample.